

REMARKS

Claims 14 and 15 have been amended to address the 112 rejection. Claim 14 also has been amended to clarify the invention. Claims 12-13 and 16 have been cancelled. No new matter has been entered by any of the foregoing amendments.

The continued art rejections are respectfully traversed. Considering first the rejection of claims 14, 15 and 17 under 35 USC §103 (a) as being unpatentable over US. Published Patent Application 2003/0002407 to Fujiwara in view of US Patent No. 5,892,632 to Behrens, independent claim 14 requires, in part, "inputting the reproduced signals sampled in the predetermined cycle to a Viterbi decoder, wherein the reproduced signals are unequalized." FIG. 1 and FIG. 4 of Fujiwara show only the 'post-equalized' signal of Fujiwara being input to the Viterbi decoder. Thus, Fujiwara fails to disclose this requirement of claim 14. Behrens et al also fails to disclose this claim requirement. As the cited references fail to disclose every requirement of claim 14, no combination of the cited references would be said to teach or render obvious claim 14. Thus claim 14 and claims 15 and 17 which depend on claim 14 are allowable over the applied art.

The rejection of claim 15 under 35 USC §103 (a) as being unpatentable over Fujiwara in view of Behrens and further in view of Japanese Patent Publication JP 08-037478 to Matsushita et al. is also in error. Claim 15 depends from claim 14. The deficiencies of the Fujiwara/Behrens combination vis a vis claim 14 are discussed above. Even answering arguendo Matsushita et al is as the Examiner states, it still fails to cure the shortcomings of Fujiwara and Behrens, vis a vis claim 14. Thus, no combination of Fujiwara, Behrens and Matsushita et al reasonably could be said to teach a render obvious claim 14 and 15.

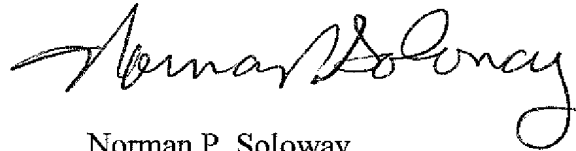
HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action is respectfully requested.

In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,



Norman P. Soloway
Attorney for Applicants
Reg. No. 24,315
Customer No. 27,667

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being deposited with the United States Patent Office via the electronic filing procedure on May 18, 2009.

By: Patricia Jordan

NPS:TAS:jah:msn:ps

HAYES SOLOWAY P.C.
3450 E. SUNRISE DRIVE
SUITE 140
TUCSON, AZ 85718
TEL. 520.882.7623
FAX. 520.882.7643

175 CANAL STREET
MANCHESTER, NH 03101
TEL. 603.668.1400
FAX. 603.668.8567